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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,616	11/27/2000	Toshiaki Hirata	500.36716CX1	5300

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EXAMINER

WINDER, PATRICE L

ART UNIT PAPER NUMBER

2145

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/721,616

Applicant(s)

HIRATA ET AL.

Examiner

Patrice Winder

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-- The MAILING DATE of this communicati n appears on the c ver sheet with the corresp ndence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 16-24 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05272004, 08062004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 13-15, drawn to network management system with an integrated display screen coupled to the managing computer, classified in class 709, subclass 223.
  - II. Claims 16-24, drawn to a network management system wherein process pre-defined for execution to each computer included in each group, said each group being pre-set so as to include one of the plurality of managed computers, classified in class 709, subclass 220.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as an integrated managing screen display for a network management system without the features of invention II. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Newly submitted claims 16-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Invention II has separate utility as a process management mechanism for a network management system with the features of the Invention II. (See paragraphs 1-3, above for further explanation.)

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 16-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kisor, USPN 6,098,091 (hereafter referred to as Kisor) in view of Mayo et al., USPN 5,751,965 (hereafter referred to as Mayo).

7. Regarding claim 13, Kisor taught a computer operation management system which includes a managing computer and a plurality of computers to be managed (column 2, lines 21-30), each of said plurality of computers to be managed (remote computers which are assigned tasks) comprising:

a unit which receives operation defining information from said managing computer (column 6, lines 31-35);

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a unit which causes execution of an operation processing including at least one of job execution control, power supply control in accordance with the operation defining information from said receiving unit (column 5, lines 16-25);

a unit which transmits a result of the execution by said execution causing unit to said managing computer (column 6, lines 53-59); and

a unit, responsive to an instruction from said managing computer, for collecting management information including load information of said computer to be managed and returning collected information to said managing computer, and wherein said managing computer (central computer) comprising:

a management information control portion including a unit which collects the managing information and the execution result transmitted from the managed computer (column 4, lines 37-43),

a unit, coupled to said collecting unit of the managed computer, for managing operation of the managing computers using the operation defining information transmitted to the managed computers, the collected management information and the execution result (column 4, lines 44-50, column 6, lines 12-15, 43-53). Kisor does not specifically teach an integrated managing screen display unit displaying a state of management by the managing computer on a screen. However, Mayo taught an integrated managing screen display unit represents a connection relationship among the managed computers by links among symbols and representing an operation state of a relevant managed computer in the form of a symbol color (Fig. 10, column 10, lines 3-25), represents each of operations executed on the computer in the form of a symbol

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represents an execution order of operations by links with directions among symbols and representing an execution state of the operation in the form of a symbol color (Fig. 11, column 10, lines 26-46), and represents a connection relationship among the managed computers by links among symbols and representing an operation state of the relevant computer in the form of a symbol color (column 7, lines 6-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Mayo's integrated management screen in Kisor's system for assigning tasks would have improved system administration. The motivation would have been to provide a graphical representation of the relationships between functional entities on a network.

8. Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kisor in view of Chou et al., USPN 5,902,352 (hereafter referred to as Chou).

9. Regarding claim 14, Kisor taught a computer operation management system which includes a managing computer and a plurality of computers to be managed (column 2, lines 21-30), each of said plurality of computers to be managed (remote computers which are assigned tasks) comprising:

- a unit which receives operation defining information from said managing computer (column 6, lines 31-35);

- a unit which causes execution of an operation processing including at least one of job execution control, power supply control in accordance with the operation defining information from said receiving unit (column 5, lines 16-25);

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a unit which transmits a result of the execution by said execution causing unit to said managing computer (column 6, lines 53-59); and

a unit, responsive to an instruction from said managing computer, for collecting management information including load information of said computer to be managed and returning collected information to said managing computer, and wherein said managing computer (central computer) comprising:

a management information control portion including a unit which collects the managing information and the execution result transmitted from the managed computer (column 4, lines 37-43),

a unit, coupled to said collecting unit of the managed computer, for managing operation of the managing computers using the operation defining information transmitted to the managed computers, the collected management information and the execution result (column 4, lines 44-50, column 6, lines 12-15, 43-53).

Kisor does not specifically teach a managed computer comprising an integrated managing agent portion or a managing computer comprising an integrated management screen display portion. However, Chou taught an integrated managing screen display portion displaying a state of management by the managing computer on a screen (management GUI), wherein said integrated managing screen display unit changes the screen to display details of operation execution state on a relevant managed computer including any of a list of defined jobs, a list of jobs under execution and information of past execution history responsive to designation of specified managed computer on a display screen displays a configuration of a set of computers (column 27, lines 18-25),

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and designates a specified message on a relevant screen from a monitoring screen displaying a message an operation state of an execution result of an operation system or a computer system to display on another screen of the same console (column 27, lines 25-31), a configuration display screen of a set of computers including managed computers related with said message or an operation configuration screen related with said message (column 27, lines 48-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Chou's integrated management screen in Kisor's system for assigning tasks would have improved system administration. The motivation would have been to provide an improved method of scheduling of assigned tasks.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kisor in view of Behm et al., USPN 5,414,845 (hereafter referred to as Behm).

11. Regarding claim 15, Kisor taught a computer operation management system which includes a managing computer and a plurality of computers to be managed (column 2, lines 21-30), each of said plurality of computers to be managed (remote computers which are assigned tasks) comprising:

a unit which receives operation defining information from said managing computer (column 6, lines 31-35);

a unit which causes execution of an operation processing including at least one of job execution control, power supply control in accordance with the operation defining information from said receiving unit (column 5, lines 16-25);



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a unit which transmits a result of the execution by said execution causing unit to said managing computer (column 6, lines 53-59); and

a unit, responsive to an instruction from said managing computer, for collecting management information including load information of said computer to be managed and returning collected information to said managing computer, and wherein said managing computer (central computer) comprising:

a management information control portion including a unit which collects the managing information and the execution result transmitted from the managed computer (column 4, lines 37-43),

a unit, coupled to said collecting unit of the managed computer, for managing operation of the managing computers using the operation defining information transmitted to the managed computers, the collected management information and the execution result (column 4, lines 44-50, column 6, lines 12-15, 43-53). Kisor does not specifically teach an integrated managing screen display unit displaying a state of management by the managing computer on a screen. However, Behm taught an integrated managing screen display unit displaying a state of management by the managing computer on a screen (operation interface 18), wherein said integrated managing screen unit relates to a particular computer with an operation executed on the computers switching a monitoring screen displayed by an operation monitoring unit and a monitoring screen displayed by a computer monitoring unit alternately for display to manifest the relation between the operation and the computer (column 5, lines 40-50). It would have been obvious to one of ordinary skill in the art at the time the invention

was made that incorporating Behm's switching between monitoring screens in Kisor's system for assigning tasks would have improved system administration. The motivation would have been to display to the network manager as much information as is available.

***Response to Arguments***

12. Applicant's arguments filed August 6, 2004 have been fully considered but they are not persuasive.

13. Applicant argues – "Particularly, Chou does not teach or suggest the displaying of a configuration of a system including a plurality of computers and the displaying of the states or conditions of processes performed by the computers as in the present invention."

a. Applicant's argument is not directed to specific limitations of the claim language. Therefore, whether or not Chou teaches the features being argued is irrelevant because the features argued are not claimed limitations.

b. For the record, Chou is not relied on for the rejection to teach displaying a configuration of a system. According to the rejection, Mayo taught displaying of a configuration of a system including a plurality of computers and the displaying of the states or conditions of processes performed by the computers as in the present invention.

14. Applicant argues – "Chou does not teach or suggest the displaying of execution conditions for the plurality of computers, the displaying of a plurality of computers that

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are present on the network and the displaying of a plurality of applications that are performed by the computers as in the present invention.”

c. Applicant's argument is not directed to specific limitations of the claim language. Therefore, whether or not Chou teaches the features being argued is irrelevant because the features argued are not claimed limitations.

d. For the record, Chou is not relied on for the rejection to teach displaying a configuration of a system. According to the rejection, Mayo taught displaying of execution conditions for the plurality of computers, the displaying of a plurality of computers that are present on the network and the displaying of a plurality of applications that are performed by the computers as in the present invention.

15. Applicant argues – “The above described teachings in Behm are merely the display of the status of a node, not a display which may be have generated due to changing over of the screen from one state to another state as in the present invention.”

e. The claim language for not include “a display ... generated”, the claim language recites switching between “screens”. Assuming the Behm does teach display status of a node, that display status is invoked upon operator request. When the operator makes that request, the screens (view of the network) is switched.

16. Applicant argues – “Accordingly, there is not teaching or suggestion in Behm that a GUI is provided for displaying a configuration of a plurality of computers and an execution state or progress state of the computers executed a series of jobs as in the present invention.”

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f. Applicant's argument is not directed to specific limitations of the claim language. Therefore, whether or not Behm teaches the features being argued is irrelevant because the features argued are not claimed limitations.

g. However, Behm taught a GUI is provided for displaying a configuration of a plurality of computers and an execution state or progress state of the computers executed a series of jobs (see column 5, lines 40-50).

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

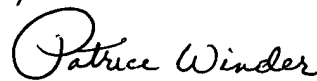
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patrice Winder  
Primary Examiner  
Art Unit 2145

December 23, 2004